

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

IN RE;

CHAPTER 11

DELPHI CORPORATION, et al.,

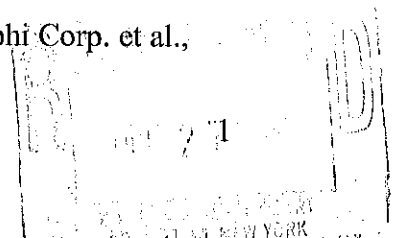
CASE NO. 05-44481 (RDD)

DEBTORS

CLAIMANTS RESPONSE TO DEBTORS THIRD  
OMNIBUS OBJECTION UNSUBSTANTIATED CLAIM

Claimant Darrin C. Savage filed a lawsuit claim against debtor Delphi Corporation Dec. 2003 for damages, actual nominal and punitive. Claimant has suffered humiliation, emotion distress, mental anguish an a loss of self esteem. As a further result of the actions of debtor, claimant has been deprived of income as well as other monetary and non-monetary benefits. Claimant filed his lawsuit claim against debtor Delphi Corporation for damages for racial discrimination and retaliation.

Claimant's claim should not be disallowed or expunged because (1) Debtor "Delphi Corp. et al" does have record of claimants' law suite filed against them in Dec. 2003. (2) Debtor has record of said claim case filed Dec. 2003, abated because of their "voluntary bankruptcy.(3)Claimant Darrin C. Savage has not received any money from the debtors prior to the commencement of the debtor cases ; nor has debtors made any attempt to settle this matter. With that being said debtors cannot claim that they do not owe the claimant Darrin C. Savage because it is a fact that there is a current law suite claim filed by claimant Darrin C. Savage In The United States Court of Appeals For The Tenth Circuit against the debtors Delphi Corp. et al., that has been abated because debtor filed a "voluntary bankruptcy". It would be an unjustness to claimant if the court disallowed or expunged claimant Darrin C. Savage's claim against debtors Delphi Corp. et al.,



because that would strip away all of claimants Constitutional rights to seek Justus and prosecute a case for a violation of claimants Constitutional Rights guaranteed to him by the Constitution of The United States Of America. Enclosed is a copy of a Court Order from The U.S. Court of Appeals For The Tenth Circuit concerning the abatement proving debtors books and record do reflect the existence of claimant Darrin C. Savage lawsuit claim and of claimant asserting such claim against debtors Delphi Corporation et. al.,. It also proves that the debtors books and record do not reflect that Darrin C. Savage law suite claim was paid prior to the commencement of the debtors cases. It also proves that the claimant Darrin C. Savage claim has not been paid during the course of these proceeding pursuant to any order of the bankruptcy court.

Claimant Darrin C. Savage believes that the following settlement is fair and reasonable for the law suite claim he filed against the debtors Delphi Corporation et. al., filed Dec. 2003 In The U.S. District Court For The District of Kansas. Claimant Darrin C. Savage filed his claim against the debtors under Title V11.of the Civil Rights Act of 1964 and 42 U.S.C. 1981, 42 U.S.C. 2000e-2(a), and 42 U.S.C. 1988:.

1. Reinstatement with all seniority and other rights established as if claimant had never been terminated from his position with the company. Remove and clear all disciplinary actions from all files and make claimant whole.

2. One lump sum payment made payable to claimant Darrin C. Savage and liquidated fully and equally for back pay from July 1,2004 thru to the date of reinstatement including all raises, bonus and transfer allowances that have occurred under the collective bargaining agreement.

3. All benefits which have been lost as a result of the termination being brought up to date as of the date of reinstatement; so that claimant will be treated as if employment had never been terminated on July 1st , 2004 and continued life, health ,dental, vision, hearing insurances,

pension plan et. al. other benefits for claimant~~0~~, spouse and all children even if my employment with Delphi or General Motors is not reinstated or I'm terminated from employment at a later date after I'm reinstated.

4. Weekly or Monthly payments made payable to claimant Darrin C. Savage that would be equal to the weekly or monthly wage of an assembler's pay under the General Motors, Delphi, U.A.W. Union Members Collective bargaining agreement plus include all raises and bonuses that will occur in the future under the General Motors, Delphi, U.A.W. Union Members Collective bargaining agreement until claimant's sixty-fifth (65) birthday. Liquidate all payments fully and equally for the same amount of each payment. Payments are for all non-economic losses and damages, actual, nominal, and punitive to which claimant is entitled under 42 U.S.C. 1981 and Title VII.

5. Claimant worked for Delphi Battery Plant in Olathe, Ks. , which closed in December 2004 and all the employees at this Delphi Plant were allowed to transfer to one of the General Motors Plants of their choice and was paid eighty-eight thousand dollars (\$88,000.00) to transfer to one of the General Motors Plants outside the state of Missouri or Kansas. Delphi's Management also re-hired a white Caucasian male named Brian Freeman in January 2004 who had been fired November 2003 this was this employee's second (2nd) termination and Delphi allowed Brian freeman to be re-hired a second time and he was also allowed to transfer to one of the general Motors plants. Claimant Darrin C. Savage is a black African American male who has only been terminated once on July 1st, 2004. Debtors Delphi, Corporation et, al., has never to date extended to claimant the opportunity to be rehired. Brian Freeman who is a white Caucasian male and claimant Darrin C. Savage who is a black African American male both work at the same plant. Brian Freeman was only unemployed for two months and then the debtors Delphi rehired him again for the second time in January 2004 and allowed him to transfer to one

of the General Motor's Plants and paid him to transfer. With this being the condition of employee Brian Freeman.

Claimant Darrin C. Savage is asking that he be given the same opportunity . Reinstatement as stated in number one. (1) of this settlement offer in place and allow claimant to transfer to a General Motors Plant of his choice where there is not anyone who was apart of the Management Personnel at the Delphi Plant in Olathe, Ks...Claimant will be placed on permanent light duty and allowed to try and do all light duty jobs to see if there is one he is able to do. If there were no jobs found that claimant is able to do after claimant has try to do all light duty jobs, then his status is to change from permanent light duty to disability retirement with full benefits in place and as stated in number three (3) of this settlement offer. He is also to receive retirement pay and be paid as stated in number four (4) of this settlement offer.

**WHEREFORE,** Plaintiff requests that the Court enter judgment in his favor and against Defendant for such damages, actual, nominal and punitive, as are fair and reasonable, for interest as allowed by law, and for such other further legal and equitable relief as the Court deems just and proper under Title VII, 42, U.S.C 1988 and Kansas common law.

Respectfully submitted,

Darrin C. Savage  
P.O. Box 35262  
Kansas City, Mo. 64134

By: 

Darrin C. Savage  
Claimant  
Pro Se

MESSAGE NUMBER  
(816) 761-8751

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of December, 2006. I sent a copy of the

foregoing, by first class United States Mail, postage prepaid, addressed as follows:

United States Bankruptcy Court For The Southern District of New York  
One Bowling Green  
Room 610  
New York, New York 10004

Honorable Robert D. Drain  
United States Bankruptcy Judge  
United States Bankruptcy Court For The Southern  
District of New York  
One Bowling Green  
Room 610  
New York, New York 10004

Delphi Corporation  
5725 Delphi Drive  
Troy, Michigan 48098  
Attn: General Counsel

Skadden, Arps, Slate, Meagher & Flom LLP  
333 West Wacker Drive  
Suite 2100  
Chicago, Illinois 60606  
Attn: John Wm. Butler, Jr.


Simpson, Thacher, & Bartlett LLP  
425 Lexington Avenue  
New York, New York 10017  
Attn: Kenneth S. Ziman

Davis Polk, & Wardwell  
450 Lexington Avenue  
New York, New York 10017  
Attn: Donald Bernstein and Brian Resnick

Official Committee of Unsecured Creditors  
Latham & Watkins LLP  
885 Third Avenue  
New York, New York 10022  
Attn: Robert J. Rosenberg and Mark A. Broude

Official Committee of Equity Security Holders  
Fried, Frank, Harris, Shriver & Jacobson LLP  
One New York Plaza  
New York, New York 10004  
Attn: Bonnie Steingart

Office of the United States Trustee For The Southern District of New York  
33 Whitehall Street  
Suite 2100  
New York, New York 10004  
Attn: Alicia M. Leonard

by:   
DARRIN C. SAVAGE  
CLAIMANT  
Pro Se

## OFFICE OF THE CLERK

Byron White United States Courthouse

1823 Stout Street

Denver, Colorado 80257

(303)844-3157

Elisabeth A. Shumaker  
Clerk of Court

Douglas E. Cressler  
Chief Deputy Clerk

September 1, 2006

## NOTIFICATION OF MAILING

Re: 05-3265, Savage v. Delphi Corporation  
Dist/Ag docket: 03-CV-2609-JWL

A COPY OF THE ATTACHED ORDER HAS BEEN PLACED IN THE UNITED STATES MAIL  
THIS DATE, ADDRESSED AS FOLLOWS:

Mr. Darrin C. Savage  
P.O. Box 35262  
Kansas City, MO 64134-5262

Mr. Loyd E. Owen, Jr.  
Ms. Heather Gill  
Mr. David C. Vogel  
Lathrop & Gage  
2345 Grand Boulevard, Ste 2800  
Kansas City, MO 64108-2684

  
DEPUTY CLERK

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DARRIN C. SAVAGE,

Plaintiff - Appellant,

v.

No. 05-3265

DELPHI CORPORATION,

Defendant - Appellee.

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**ORDER**

Filed September 1, 2006

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This matter is before the court on the status report filed by defendant-appellee Delphi Corporation. Based upon that report, the abatement of the above captioned appeal is continued, pending further order of this court.

On or before November 17, 2006, the appellee shall again file a report with this court regarding the status of the bankruptcy proceedings. In addition, the appellee shall notify this court immediately, in writing, of any significant action in the bankruptcy court, including any order granting relief from the bankruptcy stay.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

by:   
Deputy Clerk